

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

v.

PRINCE LUMBA KUN

Defendant.

Criminal No. 2:21mj 207

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

Your affiant, William J. Wood, does swear and affirm the following to be true and accurate to the best of my knowledge and belief:

INTRODUCTION AND AGENT BACKGROUND

1. I am an investigative or law enforcement officer of the United States empowered by law to conduct investigations and to make arrests for offenses enumerated in the Federal Criminal Code.

2. I am a Special Agent with ICE-Homeland Security Investigations (HSI) and have been employed in that capacity since July 2004. I have conducted complex criminal investigations of activities involving fraudulent and counterfeit identification documents, money laundering, alien smuggling, narcotics smuggling, visa fraud, customs fraud, violations of the Immigration and Nationality Act and violations under Title 18, of the United States Code.

3. This affidavit is submitted in support of a criminal complaint charging PRINCE LUMBA KUN, (hereafter referred to as "KUN") with having boarded, entered, or secreted himself aboard a vessel at any place within or without the jurisdiction of the United States, and remained aboard after the vessel departed such place, and is thereon at any place within the jurisdiction of the United States, in violation of Title 18, United States Code, Section 2199. This affidavit is also submitted in support of a criminal complaint and an arrest warrant.

4. The facts and information contained in this affidavit are based upon my training and experience, participation in immigration and customs related investigations, personal knowledge, and

observations during this investigation, as well as the observations of other agents involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during this investigation. This affidavit is being submitted for the limited purpose of obtaining a criminal complaint and arrest warrant. I have set forth only those facts that I believe to be necessary to establish probable cause for the charge described below and have not included each and every fact and matter observed by me or known to the Government.

#### **STATUTORY AUTHORITY**

5. This investigation concerns an alleged violation of Title 18, United States Code, Section 2199(b), which provides:

Whoever, with like intent, having boarded, entered or secreted himself aboard a vessel or aircraft at any place within or without the jurisdiction of the United States, remains aboard after the vessel or aircraft has left such place and is thereon at any place within the jurisdiction of the United States ... (i) shall be fined under Title 18, or imprisoned not more than 5 years, or both.

6. Title 18, United States Code, Section 7(1), defines “special maritime and territorial jurisdiction of the United States,” as including:

The high seas, or any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

7. 33 C.F.R. § 2.22 provides in pertinent part that with respect to the United States, territorial sea means the waters, 12 nautical miles wide, adjacent to the coast of the United States and seaward of the territorial sea baseline, for ... (ii) Purposes of criminal jurisdiction pursuant to Title 18, United States Code and (iii) The special maritime and territorial jurisdiction as defined in Title 18, United States Code, Section 7.

**FACTS SUPPORTING PROBABLE CAUSE**

7. On July 21, 2021, U.S. Customs and Border Protection Norfolk, Virginia received information from vessel agent Norton Lilly that KUN was found onboard the M/V Banak after it departed Belgium en route to the Norfolk International Terminals located in Norfolk, Virginia, which is within the Eastern District of Virginia. KUN was detained by the crew of the M/V Banak and restricted to a stateroom.

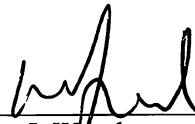
8. Officers onboard the M/V Banak stated KUN admitted to boarding the vessel without permission in Antwerp, Belgium. KUN admitted to being a citizen of Liberia with a date of birth of October 8, 1973. KUN was not in possession of identity documents at the time of his detention.

9. On July 22, 2021, your affiant conducted records checks in databases available for KUN and determined he lawfully entered the United States as a visitor for pleasure in 2003. While in the United States, KUN submitted an application to adjust his status, which was subsequently denied, and he was ordered deported by an Immigration Judge in 2005. At some point, KUN departed the United States on his own, and has not submitted an application to lawfully enter the United States.

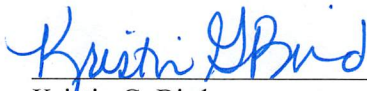
10. On July 23, 2021, the M/V Banak, tracked by the United States Coast Guard, crossed into the territorial jurisdiction of the United States.

**CONCLUSION**

11. Based on the foregoing, I submit that there is probable cause to believe that on or about July 23, 2021, in Norfolk, Virginia, within the Eastern District of Virginia, the defendant KUN, boarded, entered, or secreted himself aboard a vessel at any place within or without the jurisdiction of the United States, and remained aboard after the vessel departed such place, and is thereon at any place within the jurisdiction of the United States, in violation of Title 18, United States Code, Section 2199.

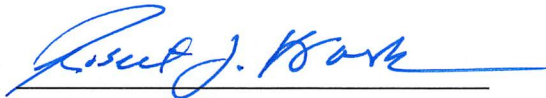
  
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William J. Wood  
Special Agent  
Department of Homeland Security / HSI

Reviewed and approved:



Kristin G. Bird  
Special Assistant United States Attorney

Subscribed and sworn to before me on the 23rd day of July, 2021.



United States Magistrate Judge  
Eastern District of Virginia  
Norfolk, Virginia